

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

THOMAS SIERRA,

*Plaintiff,*

v.

REYNALDO GUEVARA, *et al.*,

*Defendants.*

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No. 18 C 3029

Hon. John Robert Blakey,  
District Judge

## JURY TRIAL DEMANDED

## SIERRA'S CROSS-MOTION FOR PARTIAL SUMMARY JUDGEMENT

Jon Loevy  
Anand Swaminathan  
Steve Art  
Ruth Brown  
Rachel Brady  
Sean Starr  
Wally Hilke  
Meg Gould  
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Plaintiff THOMAS SIERRA, by and through his attorneys, Loevy & Loevy, pursuant to Federal Rule of Civil Procedure 56, moves for partial summary judgment against Defendant Guevara on Plaintiff's due process claim and against the City of Chicago on certain of his *Monell* claims, for the reasons set out in Plaintiff's Local Rule 56.1 Statement of Undisputed Facts, Exhibits, and accompanying memorandum, stating as follows:

1. Thomas Sierra was wrongly convicted of the murder of Noel Andujar based solely on eyewitness identifications fabricated by Defendant Reynaldo Guevara and the other individual Defendants from two witnesses to the crime—Jose Melendez and Alberto Rodriguez—who had not seen the perpetrator.

2. This Court should grant Sierra summary judgment on his claim that Guevara violated his right to due process and a fair trial when Guevara fabricated Jose Melendez's identifications implicating Sierra in the crime and suppressed evidence relating to the true circumstances of those identifications. Defendant Guevara cannot raise any material dispute of fact on this due process claim, given his assertion of his Fifth Amendment right not to incriminate himself.

3. In addition, this Court should grant partial summary judgment to Sierra on his *Monell* claims against the City of Chicago. First, the City is precluded from relitigating one of Sierra's *Monell* theories—that the City had an official policy of suppressing exculpatory evidence—having litigated and lost precisely the same *Monell* theory in two recent federal civil trials, *Fields v. Chicago*, No. 10 C 1168, 2017 WL 4553411, at \*3 (N.D. Ill. Oct. 12, 2017), *affirmed*, 981 F.3d 534 (7th Cir. 2020), and *Rivera v. Guevara*, No. 12-CV-4428, 2019 WL 13249674, at \*2 (N.D. Ill. Sept. 20, 2019). Another Court in this District has already concluded

that the City is precluded from relitigating this theory. *Kluppelberg v. Burge*, 2017 WL 3381717 (N.D. Ill. Aug. 7, 2017).

4. Second, partial summary judgment should be granted to Sierra on another of his *Monell* theories because the City has not and cannot raise any genuine issue of material fact requiring a trial. Sierra contends that, in response to notice that the Chicago Police Department had a citywide problem of evidence suppression in homicide cases, City policymakers promulgated facially deficient written policies, which permitted the suppression of exculpatory evidence. This theory is supported by all of the evidence adduced by both sides in the summary judgment record, and the City's own designated Rule 30(b)(6) witnesses and experts do not contest it. Accordingly, summary judgment should be granted to Sierra on this theory as well.

WHEREFORE, Plaintiff THOMAS SIERRA, by and through his attorneys, Loevy & Loevy, pursuant to Federal Rule of Civil Procedure 56, moves for partial summary judgment against Defendant Guevara on Plaintiff's due process claim and against the City of Chicago on certain of his *Monell* claims.

**March 15, 2024**

RESPECTFULLY SUBMITTED,

**THOMAS SIERRA**

By: /s/Steve Art  
*One of Plaintiff's Attorneys*

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